

**COMMITTEE ON PUBLIC WORKS AND PURCHASING**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Caldwell Pinckney, Jr., Council District No. 7

A **meeting** of the **COMMITTEE ON PUBLIC WORKS AND PURCHASING**, Standing Committee of Berkeley County Council, was held on **Monday, June 13, 2011**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:34 p.m.

**PRESENT:** Chairman Caldwell Pinckney, Jr., Council District No. 7; Committee Member Phillip Farley, Council District No. 1; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Supervisor Daniel W. Davis; Ms. Nicole Ewing, County Attorney and Ms. Catherine R. Windham, Acting Clerk of County Council. Committee Member Robert O. Call, Jr., Council District No. 3 was excused.

**ALSO PRESENT:** Council Member Timothy Callanan, District No. 2, ex-officio; Council Member Cathy Davis, District No. 4, ex officio; Council Member Steve Davis, District No. 8, ex officio.

*In accordance with the Freedom of Information Act, the electronic and print media were duly notified.*

Chairman Pinckney: "I would like to call the Public Works and Purchasing Committee meeting to order. First on the agenda is the approval of minutes from the May 9, 2011 and May 23, 2011 meeting."

Committee Member Farley: "Move for approval."

Committee Member Fish: "Second"

Chairman Pinckney: "We have a motion and a second. Are there any corrections to these minutes? (No Response) All in favor say Aye? (Ayes) All opposed Nay? (No Response) The minutes stand approved."

It was moved by Committee Member Farley and seconded by Committee Member Fish to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Pinckney: "Next is Mr. Frank Carson. He's here to talk about establishing a Storm Water Utility, Mr. Carson?"

**A. Frank Carson, PE; County Engineer, Re: Mr. Joe Fersner, Woolpert Inc. - Establishing a Storm Water Utility.**

Mr. Frank Carson: "Thank you, Mr. Chairman. Some of you more long suffering members probably heard us talk for many years for a Storm Water Management Program and how we are going to fund it and changes in the regulation. We had a good discussion I think at the County Council Budget Workshop about the Storm Water Utility and the Revenue needed to manage the program for regulatory compliance. There are a lot of details that would need to be worked through and a lot of questions. You all brought up several the other night that we will certainly be addressing in detail at a later date. But what we wanted to do tonight was to bring you enough information to give you a level of comfort as you consider the budget and how the program would be funded. With us is Joe Fersner. Joe is our project manager with Wolpert. Joe also retired from what the old Coastal Council was with South Carolina DHEC. He has a lot of knowledge about storm water management and about establishing utilities. He's gonna have a brief power point for you just to again, give you a little background and where we're headed with establishing hopefully an interim rate which would be refined as we move along. With that, I'll let Joe take over and I'll give you hand outs with power point."

Mr. Joe Fersner: "Thank you, Frank. I guess this...always have problems being this tall. Can you hear me?"

Chairman Pinckney: "Yes we can hear you."

Mr. Joe Fersner: "Mr. Chairman and Council Members. As Frank mentioned, Berkeley County has...this is not the first time there's been a consideration of a Storm Water Utility Fee. But it's really coming to the critical time now. The MPDS DHEC permit that regulates storm water management of Berkeley County, and many others, has just recently expired and the new permit that has been Public Notice had comments and will be reissued as soon as they have responded, DHEC has responded to those comments. We know what that permit says. It's significantly more stringent than the existing permit. For that reason, the need for revenue to fund this Storm Water Program is more than ever. I just want to give you a couple of little updates. One, start with a little history, Berkeley County knew of the coming of this permit so they adopted their Storm Water Management Ordinance, which many members of this Council voted on back in 2007. The actual DHEC permit came into play July 2008. That permit has since expired just a couple of months ago, February 28. The new permit has been issued, well I say it's been issued, it was Public Noticed. They received nearly 2,000 comments on the Public Notice and they are going through those comments right now and then once they've responded to those comments then that new permit will be issued. The public comment period was extended once and actually ends this Friday. Berkeley County has made previous comments, and we're working with Frank, and other members of the County, to look at some additional comments that we may put together between now and Friday. On some other things that DHEC has made a part of this permit."

(Inaudible)

Mr. Joe Fersner: "So really, what this Council is faced with is: What are the potential options to fund this Storm Water Program, and the new Storm Water, and ongoing Storm Water permit requirements? You really only have two choices. One is to continue to support the Storm

Water Program out of the General Fund, or the other, is to create a Storm Water Utility Fee Program. I guess there's a third option and that's: be in non-compliance, but I don't know if you want to opt for that. Richland County did that and got a multi-million dollar fine and subsequently it was reduced down to less than a million. But it was nearly a million dollars that they were fined for not being in compliance with their DHEC permit. There are a couple of things to consider when you're trying to put a utility fee in place. As Frank mentioned, a lot of that would be worked out in a couple of workshops and such. The number one is, it needs to meet the Storm Water responsibilities of the County. They have to have the amount budgeted to meet the minimum, at least the minimum requirements. It needs to be easy to understand, technically equitable, and a very big one is, legally defensible. One thing we really preached to our clients is you need to make sure that the public relations is adequate. That you educate the public, as well as public officials, on the need for this program and the details of it before you put it into a final version. The slides don't show it very well, but it's really a Storm Water Utility is in essence based on impervious surface. The driveways, the roads, the building structures, anything that's going to create runoff to come into the County system, whether it's a residential property or commercial and you can see obviously, that a lot of commercial and industrial properties have a significantly more of an impervious footprints than residential. We ran some preliminary numbers for Frank and the County, and what we came up with is based on our projections. Really right now, with the permit conditions as it is, you're gonna look at a fund or utility fee that's gonna replace what you have been taking out of your General Fund and your budget is close to around three quarters of a million dollars for this next fiscal year. Once you include the new permit conditions; and wow, I somehow missed a slide back here. I apologize. There we go. This is one of the big ones. Always too trigger happy. The new permit has...I mentioned some significant changes from the existing permit, which are going to be very expensive. And again, these aren't just for Berkeley County. These are for seventy-two other municipalities and counties throughout the State. There's going to be water quality monitoring and sampling required. All County facilities are going to have to be inspected and those County structures will have to be prioritized and maintained on a regular basis. There's going to be additional construction plan review, and post construction plan review, additional inspections by County employees required, additional reporting and enforcement. Another big one is the out-fall system inventory. That's gonna be a fairly expensive undertaking. To properly put together your out-fall system inventory maps, to know where your systems are, and then finally, a listed discharge detection and elimination. This is your discharges that are getting into the Storm Water Systems, that's not typical storm water. Such as leaking septic tanks or sanitary sewer cross connections. So, it's the County's responsibility to find out where those elicit discharges are getting into the County system and subsequently eliminate them; so again, there's a lot of additional requirements that are going to cost a significant amount of money. The projections that we have are that, by this next fiscal year, FY13, probably at a minimum, the budget needs are going to be around 1.4 million to properly comply with your Storm Water permit, and by calculating, and using a \$36 dollar a year interim rate, we show that with the parcels...And again, this is an interim rate. This would not have all of those commercial sites, impervious surface down to the square footage. That's going to take some time and some efforts to figure out to that detail but that's something that you would do, before you adopt, your permanent utility structure. So the interim fee is just to get some money generated, so you can adequately address your storm water needs. Yes?"

Council Member Callanan: "Can that be based on the assumption that zero funds would be coming out of the General Fund? 100% will be coming out of this?"

Mr. Joe Fersner: "That is correct."

Committee Member Farley: "This would be added to what bill? Sewer bill? Tax bill?"

Mr. Joe Fersner: "You have some options. Most communities, counties anyway, put it on their property tax bill."

Committee Member Farley: "One lump sum?"

Mr. Joe Fersner: "Yes."

Committee Member Fish: "On your chart here, Dorchester and Summerville already has it. This is new for us?"

Mr. Joe Fersner: "Exactly."

Committee Member Fish: "Goose Creek has it also and Hanahan, do you know?"

Mr. Joe Fersner: "Goose Creek, nor Hanahan, nor Moncks Corner, have a utility in place right now. The numbers we put up here do not include charging in Hanahan, Moncks Corner, and Goose Creek. There has been communications; at least I know with some of those municipalities, I think that would be part of this process of developing it to see...Do you want to try to include those municipalities? I think they'd be very supportive of it because they can't continue to fund their storm water requirements out of their general funds either."

Committee Member Fish: "You mentioned earlier in your thing about public relations. You're aware of the bad press, about a month ago, in the editorial page? Did you see that? In there, there's something about people criticizing about government raising taxes. Oh, excuse me, it's not called taxes, it's called user fees and they specifically mentioned this. Did anybody see that?"

Mr. Joe Fersner: "Right."

Committee Member Fish: "So, you're talking about public relations and education of public officials. What about the public?"

Mr. Joe Fersner: "Right and I absolutely understand that, and that's why education is a very important part of this and that's because they don't all understand that. This is not only a State but a Federal EPA requirement. Truthfully, Frank and the County have done an incredible job of managing to run this program on the budget and taking it out of the General Fund. And they have really done a good job. But it's just not going to keep going and my fear is, that if the

County doesn't act very soon, then they could be in the same position as others that were in non-compliance and risk getting fines. Yes?"

Council Member Callanan: "And I think the issue that's important to bring up for folks is that you know, areas like the City of Charleston which is in Berkeley County does charge a fee."

Mr. Joe Fersner: "Absolutely."

Council Member Callanan: "And so if you take this out of the General Fund versus having a fee take care of it you're going to end up having areas being double charged for service so the idea is that you're charging the people who are actually using service."

Mr. Joe Fersner: "That's correct."

Council Member Callanan: "Rather than charging the society as a whole where some people are going to end up getting double dipped."

Mr. Joe Fersner: "Right. Thank you."

Council Member S. Davis: "Before you move on, on that same line, is there going...you talk about equity, in reference to people who live in the rural part of the County versus those who are in these dense populations. How is that going to be apportioned?"

Mr. Joe Fersner: "The way it will typically turn out is that the...probably going to get more complicated than you want to. You base each residential parcel on what is called an equivalent residential unit. An ERU, that's what you'll calculate. And the calculations for that unit include high-density residential lots in the larger neighborhoods versus the rural and how much that they may impact. So, you do a survey of all the residential properties and so, it subsequently comes up with an equivalent residential unit. You know, mobile homes and those things will typically get a lower than average, or lower than standard unit because they have less impervious on those surfaces. Does that make sense?"

Council Member S. Davis: "Yeah it makes sense, but in other words though you're saying that everybody is going to be impacted in it?"

Mr. Joe Fersner: "Yes. Typically in the interim rate, all residential parcels would pay the same rate. Then once you go through the surveys and the information, you can establish more detail ones; but the residential parcels would pay the same."

Chairman Pinckney: "Let me ask a question in regards to the educational piece of it. Would that be the County's responsibility to educate the residents or citizens of Berkeley County or do you currently have a piece that kind of covers all? As far as the basic information, as it relates to the Storm Water piece."

Mr. Joe Fersner: "It's pretty standard for most counties and cities that are going to set up a utility, to send out some information or make information available so people don't just get a bill in the mail that they've never seen before or it's added onto their tax bill, and they didn't know it. That's really what I'm talking about. It's just making sure the word is out, that the County's considering this, and you know...We've got, actually budgeted money to do a Public Meeting or you know, if the County so desires."

Chairman Pinckney: "Yeah, because when you talk about the Storm Water piece, and as Frank mentioned earlier, this has been going on for quite some time that it was mentioned. But then I'm not sure that everybody completely understands..."

Mr. Joe Fersner: "I think you're exactly right and I think the comment earlier that some people view this as a tax and not a fee is unfortunate because it's really one of the only...It's the only mechanism that's available to Municipal and County Governments in order to appropriately address this EPA mandate. It's an unfunded federal mandate and your options are limited. If you look at the last slide, you'll see that Berkeley County is pretty much the only county left in the coastal zone of South Carolina that does not have a Storm Water Utility in place. Horry, Charleston, Dorchester, Beaufort, all of them including a lot of cities. The City of Charleston and we had talked about the \$3 dollar rate as being one that we would probably propose for the interim rate and that's still up in the air depending on how some of the workshops go. But that would be pretty much at the lower end of the requirements. You could see where the City of Charleston is \$6 dollars a month. That's \$72 dollars a year. That would be double what you would be charging in Berkeley County and Hilton Head is over a hundred dollars a year. So, we're talking probably in the \$30 to \$36 dollar range that the interim rate would be and that's very reasonable or at the lower end of the other counties in this area are charging. Yes sir?"

Council Member Callanan: "If let's say Hanahan decided not to join with us on this, they simply wouldn't be charged right? They would run the risk of being in non-compliance."

Mr. Joe Fersner: "That's correct."

Council Member Callanan: "What we're talking about here is only a fee for folks who are in incorporated areas. But the folks that are already in incorporated like let's say Charleston, you are already being charged for it and the municipalities would either have to agree to join with us and let's do this as a joint effort or run the risk themselves."

Mr. Frank Carson: "That is exactly correct. They are also, Hanahan and Goose Creek, are also, regulated in at these so they have to comply. The question is, and they have their own notice of intent, or their own separate permits, so they have to comply. But we've met with them over the past several years and they've expressed an interest in joining together and there are some over-lapping things. There's some things about Storm Water Programs that we've always done for them. We've always done plan review for them. Just a couple of other points I've wanted to make, to catch up a little bit. When each one of those and you can see that for the majority of them, they've had utilities in place for ten years and they've been paying utility fees for ten years. Each time anyone of those go through this process they're doing public education

for people in Berkeley County. The only difference is, Berkeley County residents have never had to pay this. So, in that sense, hopefully the curve is not quite so steep. City of Charleston is much longer but they've been paying it."

Council Member Callanan: "And the complaint I'm getting about Dorchester County, it's because they don't have an interim flat fee. Right, is that what the issue is? I don't think...."

Mr. Frank Carson: "Well, I think they're moving beyond the interim fee and trying to go into more detail."

Mr. Joe Fersner: "Yeah, Dorchester County had an interim fee, but about a year ago they updated their fee and they actually had a tiered structure. Where residential, where they figured out some of the smaller homes versus some of the middle size homes, versus the larger homes and then the cost per month or cost per year was tiered accordingly. That's....commercial is based on the actual impervious footprint. We actually did, Wolpert did a lidar or aerial photography, inferred analysis and through the inferred you can do the footprint of the impervious surfaces. So, we got down to the square foot on all the impervious for the commercial. They based the commercial on actual impervious, so it's not that flat fee for commercial. It can range, you know, for the Bosch Plant and things like that. It's more significant than the corner McDonald's."

Committee Member Fish: "I have a commercial building in Summerville and I can attest to that. It's outrageous."

Council Member S. Davis: "Frank, what you're telling us is at the present time, the City of Hanahan have not been paying a utility fee?"

Mr. Frank Carson: "No. They have been considering it, but they would like to work with Berkeley County and do it jointly."

Council Member S. Davis: "Have we been required to pay for this?"

Mr. Frank Carson: "They have been pulling it out of their General Fund as well and they know they can't continue to do that."

Council Member S. Davis: "But they just haven't put a fee in place yet?"

Mr. Frank Carson: "Not yet."

Council Member S. Davis: "Has any areas where developers in reference to these large Tanner Plantations, or all these that really contribute significantly to these storm water areas; are they being assessed a cost attributable to that?"

Mr. Frank Carson: "They're only paying the plan review fees and inspection fees just like everybody else. They are not paying...again, it's an impervious surface so it's a roof top,

whether it's a roof top in Cane Bay or it's a roof top in 41 Section, for example. So, they are not being...there is no utility. You have not passed an ordinance to allow it. This is kind of the first step. Again, to let you have some level of comfort about the budget process because that's really what's in front of you right now, not a Storm Water Ordinance; that's something we'll have to come back to you for. Another thing I want to mention about the rural areas, sometimes we lose track and I think some of the regulators lose track of why we do this. The reason we do it is for clean water. If you look at the impaired waters in Berkeley County, a lot of those impairments, are related to fecal coliform nutrients which translate to failed septic tanks. Which go to nutrients, to fertilizers, pest, and other things. It's broad, and there are exemptions in the law for agricultural use and silver cultural use and the State Statute. Those are addressed in the ordinance."

Council Member S. Davis: "Frank, my concern here is that you got folks out in the rural aspect of the County has it as difficult as it is in reference to these set budgets and then you talk about an additional burden on them financially. So, it's sure going to take a tremendous amount of education to get folks to believe that the little bit of water that kind of spews off their properties is so significant that now they got to pay for it. You got pay for your trash being disposed. You got to pay for your water being disposed. My God, what's left?"

Committee Member Farley: "Will we have to do this by ordinance?"

Mr. Frank Carson: "Yes sir, so we'll come to you probably next month with at least a title to get the process started."

Chairman Pinckney: "So this is just for informational purpose, or do we need to vote on whether or not we're going to continue to take it out of the General Fund?"

Mr. Frank Carson: "Well you'll by default, you'll vote on that through the budget process and that's why we're putting this before you tonight."

Chairman Pinckney: "We got you."

Mr. Frank Carson: "But otherwise, it's for information purposes."

Chairman Pinckney: "Alright."

Council Member Callanan: "Just to clarify. When the budget is voted in, it will include this \$3 dollar fee?"

Mr. Frank Carson: "That's how the funds are addressed in the budget, yes."

Council Member Callanan: (Inaudible)

Mr. Frank Carson: "Well, you have to have an ordinance to establish the utility. So that'll have to follow on but in your budget you've assumed that it'll come, yes."

Council Member S. Davis: "And this \$3 dollar fee is going to be assessed on all citizens of Berkeley County?"

Mr. Joe Fersner: "That's another thing that you have a decision to make. It can be...again, you can bring in Hanahan and Moncks Corner and Goose Creek."

Council Member S. Davis: "That's where all the population is...Hanahan, City of Goose Creek. I mean..."

Mr. Joe Fersner: "The numbers that we showed didn't necessarily include, they didn't include what would be contributed. Because they may do it on their own if Berkeley County decides not to go forward."

Council Member S. Davis: "Are there any instances where the State as a whole takes on this responsibility and expand the shared resources?"

Mr. Frank Carson: "That's exactly the problem."

Mr. Joe Fersner: "No it's an EPA mandate and it states, it has to be pushed down to the local government."

Council Member S. Davis: "Everything is pushed down to the local level."

Mr. Joe Fersner: "I couldn't agree with you more. I don't agree with this at all, but it's just one of the only options that you have available."

Council Member Callanan: "I just want to clarify this. If you're already paying these fees, what you're proposing would not put another fee on top of that fee? Meaning, if I live in the City of Charleston and I pay \$6 dollars a month for Storm Water Fee, we are not talking about putting that on top of my ....we would not be a part of it?"

Mr. Frank Carson: "That is absolutely correct and one, let me just say this because Mr. Fish has a lot of contacts in Summerville and Summerville they have two fees. You pay two fees. You do pay a fee to the town and you pay a fee to the County because of the way they fund their program. One entity does some things and another entity does other things. At some point in time you'll make those decisions too about your utility. That's not what we're proposing. We're proposing the minimum to meet our regulatory requirements. If you look at some of these other... some use it to fund capital projects, some use it to fund maintenance projects. That's not what we are proposing at this point. If that's something that you want to pursue in the future, but our understanding of what our leaders want to do is: What do we have to do at this point and time? That's what we've tried our best to do. One other, I'd be remiss if I didn't do one other thing and introduce two people who are here. Clint Busby and Sonya Shahnaj on our engineering staff and they do all the heavy lifting and they are the ones that make it possible to keep, you know, to have done this with the small amount of funds we have. Again, we're not trying to be a model program. We're trying to do what you want us to do and they've done a great job at that."

Chairman Pinckney: "Ok, Frank and Joe, we thank you for the information and...."

(Inaudible)

Chairman Pinckney: "Pardon me?"

(Inaudible)

Chairman Pinckney: "Next on the agenda of course, is Mr. Doug Thompson instead of Mr. Terry Hughes, Berkeley County Water and Sanitation, in selection of a vendor for the meter boxes. Mr. Thompson?"

**B. Terry Hughes, Berkeley County Water & Sanitation, Re:** Selection of vendor for meter boxes.

Mr. Doug Thompson: "Mr. Chairman, this is...every year we do a bid for our meter boxes. This is for them to install new water services and to repair damaged meter boxes. This year the low bid was Southern Utility. They were the low bid last year. The price went up from \$125.99 to \$126.99, less than 1% increase for the boxes and we request Council to approve Southern Utility to be a supplier for the next fiscal year."

Chairman Pinckney: "What's the pleasure of the Committee?"

Committee Member Fish: "Move for approval."

Committee Member Farley: "Second"

Chairman Pinckney: "We have a motion and a second. All in favor? I'm sorry, discussion?"

Committee Member Farley: "Are these the same boxes or are they different boxes?"

Mr. Doug Thompson: "No, it's the same type we put in the system now."

Committee Member Farley: "Same type?"

Mr. Doug Thompson: "Yes, sir."

Committee Member Fish: "Same company?"

Mr. Doug Thompson: "Yes, sir."

Chairman Pinckney: "Any other further questions or discussions? (No Response) All in favor say Aye? (Ayes) All opposed Nay? (No Response) The motion carries."

It was moved by Committee Member Fish and seconded by Committee Member Farley to **approve** the purchase of **Yolk Boxes** (meter boxes) from **Southern Utility** for the **period of July 1, 2011 to June 30, 2012** in the amount of **\$126.99 each** with a maximum expenditure of \$190,485.00. The motion passed by unanimous voice vote of the Committee.

Committee Member Farley: "Move to adjourn."

Chairman Pinkney: "I have a motion for adjournment."

Committee Member Fish: "Second"

Chairman Pinckney: "All in favor? (Ayes) Opposed? (No Response) We Stand adjourned. Thank you."

It was moved by Committee Member Farley and seconded by Committee Member Fish to **adjourn** the Committee on Public Works and Purchasing meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 7:02 p.m.

July 11, 2011

Date Approved

**PUBLIC WORKS AND PURCHASING**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Caldwell Pinckney, Jr., District No. 7

Members: Mr. Phillip Farley, District No. 1  
Mr. Robert O. Call, Jr., District No. 3  
Mr. Dennis Fish, District No. 5  
Mr. Jack H. Schurlknight, District No. 6

Mr. Timothy J. Callanan, District No. 2, ex officio  
Mrs. Cathy S. Davis, District No. 4, ex officio  
Mr. Steve C. Davis, District No. 8, ex officio  
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON PUBLIC WORKS AND PURCHASING**, Standing Committee of Berkeley County Council will be held on **Monday, June 13, 2011**, at **6:03 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

**AGENDA**

**APPROVAL OF MINUTES**

**May 9, 2011**

**May 23, 2011**

- A. Frank Carson, PE; County Engineer, Re: Mr. Joe Fersner, Woolpert Inc. -**  
Establishing a Storm Water Utility.
- B. Terry Hughes, Berkeley County Water & Sanitation, Re: Selection of vendor for**  
meter boxes.

June 8, 2011

S/Catherine R. Windham

Acting Clerk of County Council

